

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD**

WORLD COLOR (USA) CORP.,
A WHOLLY-OWNED SUBSIDIARY OF
QUAD GRAPHICS, INC.

and

Case 32-CA-062242
32-CA-063140

GRAPHIC COMMUNICATIONS
CONFERENCE OF THE
INTERNATIONAL BROTHERHOOD
OF TEAMSTERS, LOCAL 715-C

NOTICE TO SHOW CAUSE

On February 12, 2014, the National Labor Relations Board issued a Decision and Order affirming Administrative Law Judge William Nelson Cates' finding that the Respondent's hat policy, which prohibits its employees from wearing any baseball caps other than company caps, violates Section 8(a)(1) of the Act. 360 NLRB 227. The Board found the policy "overbroad" and stated that it was "undisputed that the policy on its face prohibits employees from engaging in the protected activity of wearing caps bearing union insignia." *Id.* at 227 fn. 1. The Respondent filed a petition for review with the United States Court of Appeals for the District of Columbia Circuit, and the Board filed a cross-application for enforcement. On January 16, 2015, the court granted the petition for review and remanded the case to the Board for reconsideration of its decision.¹ The court recited the test set forth in *Lutheran Heritage Village-Livonia*, 343 NLRB 646 (2004), and found that the Board had inappropriately ended its analysis without considering the second step of that test, which includes consideration of whether employees would "reasonably construe" the language of a challenged policy to

¹ *World Color (USA) Corp. v. NLRB*, 776 F.3d 17 (D.C. Cir. 2015).

prohibit Section 7 activity. Id. at 647. Recently, the Board overruled the *Lutheran Heritage* “reasonably construe” test and announced a new standard that applies retroactively to all pending cases. *The Boeing Co.*, 365 NLRB No. 154, slip op. at 14-17 (2017).

Having duly considered the matter,

NOTICE IS GIVEN that cause be shown, in writing, filed with the Board in Washington, D.C., on or before November 29, 2018. (with affidavit of service on the parties to this proceeding), why this case should not be remanded to the administrative law judge for further proceedings consistent with the Board’s decision in *Boeing*, including reopening the record if necessary. Any briefs or statements in support of the motion shall be filed on the same date.

Dated, Washington, D.C. November 15, 2018.

By direction of the Board:

Roxanne Rothschild

Acting Executive Secretary